



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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Thursday May 15, 2014

International Authorizations Granted

Section 214 Applications (47 C.F.R. § 63.18); Section 310(b) Requests

The following applications have been granted pursuant to the Commission's streamlined processing procedures set forth in Section 63.12 of the Commission's rules, 47 C.F.R. § 63.12, other provisions of the Commission's rules, or procedures set forth in an earlier public notice listing applications accepted for filing.

Unless otherwise noted, these grants authorize the applicants (1) to become a facilities-based international common carrier subject to 47 C.F.R. § 63.22; and/or (2) to become a resale-based international common carrier subject to 47 C.F.R. § 63.23; or (3) to exceed the foreign ownership benchmark applicable to common carrier radio licensees under 47 U.S.C. § 310(b).

THIS PUBLIC NOTICE SERVES AS EACH NEWLY AUTHORIZED CARRIER'S SECTION 214 CERTIFICATE. It contains general and specific conditions, which are set forth below. Newly authorized carriers should carefully review the terms and conditions of their authorizations. Failure to comply with general or specific conditions of an authorization, or with other relevant Commission rules and policies, could result in fines and forfeitures.

Petitions for reconsideration under Section 1.106 or applications for review under Section 1.115 of the Commission's rules in regard to the grant of any of these applications may be filed within thirty days of this public notice (see Section 1.4(b)(2)).

An updated version of Sections 63.09–.25 of the rules, and other related sections, is available at <http://www.fcc.gov/ib/pd/pf/telecomrules.html>.

For additional information, please contact the FCC Reference and Information Center, Room CY-A257, 445 12th Street SW, Washington, D.C. 20554, (202) 418-0270.

Petition for Declaratory Ruling
Grant of Authority

Date of Action: 05/05/2014

TeleGuam Holdings, LLC ("TeleGuam" or "the Petitioner") has filed a petition with the Commission for a declaratory ruling ("Petition") pursuant to section 310(b)(4) of the Communications Act of 1934, as amended (the "Act"), 47 U.S.C. § 310(b)(4), and section 1.990(a)(1) of the Commission's rules, 47 C.F.R. § 1.990(a)(1), that it would serve the public interest to continue to permit foreign ownership in its controlling U.S.-organized parent company, AP TeleGuam Holdings, Inc. ("AP TeleGuam") in excess of the 25 percent foreign ownership benchmark in section 310(b)(4). According to the Petition, TeleGuam holds three common carrier wireless licenses (cellular, broadband PCS and AWS). TeleGuam states that it has filed the instant Petition in connection with the pro forma assignment of the wireless licenses to TeleGuam from its subsidiary, Pulse Mobile, LLC, which occurred in 2012. See ULS File No. 0005297441. It notes that the Commission previously issued a section 310(b)(4) ruling to Pulse Mobile, LLC in 2011, when the Commission approved the transfer of control of TeleGuam and its subsidiaries to AP TeleGuam. See Public Notice, DA 11-1005, 26 FCC Rcd 7928 (WCB/Int'l Bur./WTB 2011).

TeleGuam is a Delaware limited liability company that is wholly owned and controlled by AP TeleGuam, a Delaware corporation. According to the Petition, AP TeleGuam has three shareholders with a 10 percent or greater direct interest: (1) AP Cayman Partners II, L.P. ("AP Cayman"), a Cayman Islands limited partnership (24.73% equity and voting interest); (2) Advantage Partners IV, ILP ("Advantage Partners IV"), a Japan limited partnership (42.08% equity and voting interest); and (3) Japan Ireland Investment Partners, an Ireland corporation (25.52% equity and voting interest). Each of these shareholders has a vertical ownership chain that includes a series of intermediate, foreign-organized entities, each of which holds a direct or indirect controlling interest in the shareholder. The Petitioner states that the remaining 7.67 percent of AP TeleGuam is held by an employee sponsored investment partnership organized in Japan (2.81%); a U.S.-organized investment partnership ("U.S. Partnership") that is under common control with AP Cayman and is wholly owned by foreign citizens (4.64%); and three U.S. citizens who hold management positions with TeleGuam (collectively, 0.22%).

According to the Petition, ultimate control of AP Cayman (and of U.S. Partnership) is held indirectly by Mr. Douglas Stringer, a U.S. citizen. The Petition states that no single individual has a controlling interest in Advantage Partners IV or Japan Ireland Investment Partners. Voting control of Advantage Partners IV and Japan Ireland Investment Partners is held collectively by four individuals that own 100 percent of Advantage Partners, LLP, a Japan limited liability partnership that holds an indirect, controlling interest in Advantage Partners IV and Japan Ireland Investment Partners. Two of these individuals, Richard L. Folsom, a U.S. citizen, and Taisuke Sasanuma, a Japanese citizen, each owns 43.4 percent of Advantage Partners, LLP, and the remaining 13.2 percent is owned by two U.S. and foreign citizens (each holding interests of less than ten percent). According to the Petition, Stanley Emmett Thomas, III, a U.S. citizen and Hong Kong resident, is the sole director of AP TeleGuam and has de facto control over TeleGuam as the individual in control of AP TeleGuam.

The vast majority of the equity interests in AP Cayman and Advantage Partners IV (99.9%) are held by their U.S. and foreign limited partners, none of which has an equity interest of 10 percent or greater in AP Cayman or Advantage Partners IV. Petitioner states that all limited partnership interests are insulated according to the requirements in section 1.993 of the rules. Petitioner also states that 99 percent of the equity investment in Japan Ireland Investment Partners is held indirectly by the owners of Advantage Partners, LLP.

Pursuant to section 1.991(i) of the rules, the Petitioner requests that the Commission specifically approve the following foreign equity and voting interests held directly or indirectly in AP TeleGuam:

AP Cayman Partners II, L.P. (24.73% equity and voting interest);
Advantage Partners IV, ILP (42.08% equity and voting interest);
Japan Ireland Investment Partners (25.52% equity and voting interest);
AP Cayman Partners II General Partner, L.P. (29.37% voting interest);
Cayman Capital Management II, Inc. (29.37% voting interest);
AP IV GP Partnership (42.08% voting interest);
AP IV GP Co., LTD (42.08% voting interest);
Japan Ireland Investment Partners, LTD (25.52% equity and voting interest);
AP5 Co., Ltd. (25.52% equity and voting interest);
Advantage Partners, LLP (25.52% equity and 67.6% voting interest); and
Taisuke Sasanuma (11.11% equity and 29.3% voting interest).

TeleGuam asserts that the public interest would be served by permitting foreign ownership of its controlling U.S. parent, AP TeleGuam, to exceed the 25 percent benchmark in section 310(b)(4) of the Act, as the Commission previously found with respect to its predecessor-in-interest, Pulse Mobile, LLC.

Pursuant to the rules and policies established by the Commission's Foreign Ownership Second Report and Order, FCC 13-50, 28 FCC Rcd 5741 (2013), we find that the public interest would not be served by prohibiting foreign ownership of TeleGuam in excess of the 25 percent benchmark in section 310(b)(4) of the Act. Specifically, this ruling permits aggregate foreign ownership of TeleGuam's controlling U.S. parent company, AP TeleGuam, to exceed, directly and/or indirectly, 25 percent of its equity and/or voting interests, subject to the terms and conditions set forth in section 1.994 of the Commission's rules, 47 C.F.R. § 1.994, including the requirement to obtain Commission approval before TeleGuam's foreign ownership exceeds the terms and conditions of this ruling. In addition, this ruling specifically permits the foreign individuals and entities named above to hold equity and/or voting interests in AP TeleGuam up to and including the amounts specified above, with the following exception: Because Mr. Sasanuma's limited partnership interest in Advantage Partners, LLP is not insulated within the meaning of section 1.993 of the rules, 47 C.F.R. § 1.993, we attribute to him an aggregate 67.6 percent voting interest in AP TeleGuam for purposes of this ruling and specifically approve such interest. See 47 C.F.R. § 1.992(b)(2)(ii)(A).

TeleGuam has an affirmative duty to monitor its foreign equity and voting interests, calculate these interests consistent the attribution principles enunciated by the Commission, including the standards and criteria set forth in sections 1.992 through 1.993 of the Commission's rules, 47 C.F.R. §§ 1.992-1.993, and otherwise ensure continuing compliance with the provisions of section 310(b) of the Act.

This declaratory ruling is without prejudice to the Commission's action on any other related pending application(s).

ITC-214-20130618-00175	E	BiBiTel USA, Inc.
International Telecommunications Certificate		
Service(s):	Global or Limited Global Resale Service	
Grant of Authority		Date of Action: 05/01/2014
Application for authority to provide resale service in accordance with section 63.18(e)(2) of the Commission's rules, 47 C.F.R. § 63.18(e)(2).		
ITC-214-20140407-00115	E	MI NUMERO LOCAL, LLC
International Telecommunications Certificate		
Service(s):	Global or Limited Global Resale Service	
Grant of Authority		Date of Action: 05/09/2014
Application for authority to provide resale service in accordance with section 63.18(e)(2) of the Commission's rules, 47 C.F.R. § 63.18(e)(2).		
ITC-214-20140407-00121	E	National Communication Inc.
International Telecommunications Certificate		
Service(s):	Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service	
Grant of Authority		Date of Action: 05/09/2014
Application for authority to provide facilities-based service in accordance with section 63.18(e)(1) of the Commission's rules, and also to provide resale service in accordance with section 63.18(e)(2) of the Commission's rules, 47 C.F.R. § 63.18(e)(1), (2).		
ITC-214-20140408-00119	E	Globalcomm Group, LLC
International Telecommunications Certificate		
Service(s):	Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service	
Grant of Authority		Date of Action: 05/09/2014
Application for authority to provide facilities-based service in accordance with section 63.18(e)(1) of the Commission's rules, and also to provide resale service in accordance with section 63.18(e)(2) of the Commission's rules, 47 C.F.R. § 63.18(e)(1), (2).		
ITC-214-20140410-00123	E	Wide Voice, LLC
International Telecommunications Certificate		
Service(s):	Global or Limited Global Resale Service	
Grant of Authority		Date of Action: 05/09/2014
Application for authority to provide resale service in accordance with section 63.18(e)(2) of the Commission's rules, 47 C.F.R. § 63.18(e)(2).		
ITC-214-20140411-00118	E	Communication Sales & Consulting LLC
International Telecommunications Certificate		
Service(s):	Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service	
Grant of Authority		Date of Action: 05/09/2014
Application for authority to provide facilities-based service in accordance with section 63.18(e)(1) of the Commission's rules, and also to provide resale service in accordance with section 63.18(e)(2) of the Commission's rules, 47 C.F.R. § 63.18(e)(1), (2).		
ITC-214-20140416-00127	E	Perkz Mobile
International Telecommunications Certificate		
Service(s):	Global or Limited Global Resale Service	
Grant of Authority		Date of Action: 05/09/2014
Application for authority to provide resale service in accordance with section 63.18(e)(2) of the Commission's rules, 47 C.F.R. § 63.18(e)(2).		

ITC-T/C-20131018-00286 E

Krush Communications LLC

Transfer of Control

Grant of Authority

Date of Action: 05/05/2014

Current Licensee: Krush Communications LLC

FROM: Krush Communications LLC

TO: Agregato (USA) Inc.

Application filed for consent to the transfer of control of international section 214 authorization, ITC-214-20071106-00455, held by Krush Communications, LLC (Krush) to Agregato (USA) Inc. (Agregato). Applicants state that, on September 1, 2013, without prior Commission consent, Agregato acquired all of the assets of Krush, including authorizations and international section 214 authorization, ITC-214-20071106-00455, customer accounts and receivables, customer and vendor contracts and agreements, equipments, and intellectual property. Upon closing, Krush became a wholly-owned subsidiary of Agregato, and Krush continues to provide services to its customers.

Agregato is 100% owned by Agregato Global Limited (Agregato Global), an Australian company. Agregato Global is owned by AGMO Holdings Pty Limited (AGMO Holdings) (68%), and M2 Telecommunications Group Limited (M2 Telecommunications) (32%), both Australian entities. The following individuals, all Australian citizens, hold ownership interests in AGMO Holdings: Ilario Faenza (25.5%), Allan Ghiassi (30%), Alan Barakat (20%), and Keith Wilson (24.5%). M2 Telecommunications is a publicly traded company and none of its shareholders hold a 10% or greater ownership interest.

Applicants filed a request for Special Temporary Authority (STA) related to this transaction, ITC-STA-20131118-00311, which was granted on December 3, 2013.

This authorization is without prejudice to the Commission's action in any other related pending proceedings.

CONDITIONS APPLICABLE TO INTERNATIONAL SECTION 214 AUTHORIZATIONS

(1) These authorizations are subject to the Exclusion List for International Section 214 Authorizations, which identifies restrictions on providing service to particular countries or using particular facilities. The most recent Exclusion List is at the end of this Public Notice. The list applies to all U.S. international carriers, including those that have previously received global or limited global Section 214 authority, whether by Public Notice or specific written order. Carriers are advised that the attached Exclusion List is subject to amendment at any time pursuant to the procedures set forth in Streamlining the International Section 214 Authorization Process and Tariff Requirements, IB Docket No. 95-118, 11 FCC Rcd 12884 (1996), para. 18. A copy of the current Exclusion List will be maintained in the FCC Reference and Information Center and will be available at <http://www.fcc.gov/ib/pd/pf/telecomrules.html#exclusionlist>. It also will be attached to each Public Notice that grants international Section 214 authority.

(2) The export of telecommunications services and related payments to countries that are subject to economic sanctions may be restricted. For information concerning current restrictions, call the Office of Foreign Assets Control, U.S. Department of the Treasury, (202) 622-2520.

(3) Carriers shall comply with the requirements of Section 63.11 of the Commission's rules, which requires notification by, and in certain circumstances prior notification by, U.S. carriers acquiring an affiliation with foreign carriers. A carrier that acquires an affiliation with a foreign carrier will be subject to possible reclassification as a dominant carrier on an affiliated route pursuant to the provisions of Section 63.10 of the rules.

(4) A carrier may provide switched services over its authorized resold private lines in the circumstances specified in Section 63.23(d) of the rules, 47 C.F.R. § 63.23(d).

(5) Carriers shall comply with the "No Special Concessions" rule, Section 63.14, 47 C.F.R. § 63.14.

(6) Carriers regulated as dominant for the provision of a particular communications service on a particular route for any reason other than a foreign carrier affiliation under Section 63.10 of the rules shall file tariffs pursuant to Section 203 of the Communications Act, as amended, 47 U.S.C. § 203, and Part 61 of the Commission's Rules, 47 C.F.R. Part 61. Carriers shall not otherwise file tariffs except as permitted by Section 61.19 of the rules, 47 C.F.R. § 61.19. Except as specified in Section 20.15 with respect to commercial mobile radio service providers, carriers regulated as non-dominant, as defined in Section 61.3, and providing detariffed international services pursuant to Section 61.19, must comply with all applicable public disclosure and maintenance of information requirements in Sections 42.10 and 42.11.

(7) Carriers shall file the annual reports of overseas telecommunications traffic required by Section 43.61(a).

(8) Carriers shall file annual reports of circuit status required by Section 43.82. This requirement applies to facilities-based carriers and private line resellers, respectively. See also <http://www.fcc.gov/ib/pd/pf/csmanual.html>.

(9) Carriers should consult Section 63.19 of the rules when contemplating a discontinuance, reduction or impairment of service.

(10) If any carrier is reselling service obtained pursuant to a contract with another carrier, the services obtained by contract shall be made generally available by the underlying carrier to similarly situated customers at the same terms, conditions and rates. 47 U.S.C. § 203.

(11) To the extent the applicant is, or is affiliated with, an incumbent independent local exchange carrier, as those terms are defined in Section 64.1902 of the rules, it shall provide the authorized services in compliance with the requirements of Section 64.1903.

(12) Except as otherwise ordered by the Commission, a carrier authorized here to provide facilities-based service that (i) is classified as dominant under Section 63.10 of the rules for the provision of such service on a particular route and (ii) is affiliated with a carrier that collects settlement payments for terminating U.S. international switched traffic at the foreign end of that route may not provide facilities-based switched service on that route unless the current rates the affiliate charges U.S. international carriers to terminate traffic are at or below the Commission's relevant benchmark adopted in International Settlement Rates, IB Docket No. 96-261, Report and Order, 12 FCC Rcd 19806 (1997). See also Report and Order on Reconsideration and Order Lifting Stay in IB Docket No. 96-261, FCC 99-124 (rel. June 11, 1999). For the purposes of this rule, "affiliated" and "foreign carrier" are defined in Section 63.09.

Exclusion List for International Section 214 Authorizations

The following is a list of countries and facilities not covered by grant of global Section 214 authority under Section 63.18(e)(1) of the Commission's Rules, 47 C.F.R. § 63.18(e)(1). Carriers desiring to serve countries or use facilities listed as excluded hereon shall file a separate Section 214 application pursuant to Section 63.18(e)(3) of the Commission's Rules. See 47 C.F.R. § 63.22(c).

Countries:

Cuba (Applications for service to Cuba shall comply with the separate filing requirements of the Commission's Public Notice, DA 10-112, dated January 21, 2010, "Modification of Process to Accept Applications for Service to Cuba and Related Matters.")

Facilities:

All non-U.S.-licensed satellite systems that are not on the Permitted Space Station List, maintained at <http://www.fcc.gov/ib/sd/se/permited.html>.

This list is subject to change by the Commission when the public interest requires. A current version of this list is maintained at <http://www.fcc.gov/ib/pd/pf/telecomrules.html#exclusionlist>.

For additional information, contact the International Bureau's Policy Division, (202) 418-1460.